

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

SKYE PAIGE,

Plaintiff,

v.

CITY OF FARMINGTON,

Defendant.

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No. 4:20-CV-320 HEA

OPINION, MEMORANDUM AND ORDER

This matter is before the Court upon review of the file. Plaintiff, proceeding pro se, filed her complaint on November 4, 2019 in the United States District Court for the District of Kansas. The case was transferred to this Court on February 28, 2020. Upon review of the record, it became apparent that plaintiff had filed two completed complaints as her “original complaint” on November 4, 2019. To clarify the record the Court will require plaintiff to amend her complaint on one court form no later than thirty (30) days from the date of this Memorandum and Order.

Background

Plaintiff’s complaint alleges that she was discriminated against in violation of the Title VII of the Civil Rights Act of 1964 (“Title VII”), 42 U.S.C. § 2000e *et seq.* Specifically, plaintiff alleges that she was subject to sexual harassment by a supervisor and was then discharged by defendant City of Farmington (“Farmington”) in retaliation for filing a formal complaint. The United States District Court for the District of Kansas transferred this action to this Court on February 28, 2020. Upon review of the record the Court noted that plaintiff’s complaint contained two completed complaint forms filed as her “original complaint.” Having two complaint forms in

the record as Docket No. 1 is confusing to the Court and defendant. *See* Docket No. 16, Defendant's Motion to Dismiss or alternative, Motion to Strike.

Discussion

To clarify the record, plaintiff must file an amended complaint, on a court provided form within thirty days of the date of this Memorandum and Order that includes all changes she wants to make to her claims. The Court will direct the Clerk of Court to send plaintiff a blank form complaint so that she may file an amended complaint.

Plaintiff is advised that the amended complaint will replace the original complaint. *E.g., In re Wireless Telephone Federal Cost Recovery Fees Litigation*, 396 F.3d 922, 928 (8th Cir. 2005). Plaintiff must submit the amended complaint on the court-provided form, and she must comply with the Federal Rules of Civil Procedure, including Rules 8 and 10. Rule 8 requires plaintiff to set forth a short and plain statement of the claim showing entitlement to relief, and it also requires that each averment be simple, concise, and direct. Rule 10 requires plaintiff to state his claims in separately numbered paragraphs, each limited as far as practicable to a single set of circumstances. Plaintiff must type, or very neatly print, the amended complaint.

In the "Caption" section of the amended complaint, plaintiff must state the first and last name, or the municipal entity, of the defendant or defendants she wants to sue. Plaintiff should also indicate whether she intends to sue the defendant in his or her individual capacity, official capacity, or both. Plaintiff should avoid naming anyone as a defendant unless that person is directly related to her claim.

In the "Statement of Claim" section, plaintiff should begin by writing the defendant's name. In separate, numbered paragraphs under that name, plaintiff should write the specific facts supporting her claim or claims against the defendant. If plaintiff is suing more than one defendant,

she should proceed in the same manner with each one, separately writing each individual defendant's name and, under that name, in numbered paragraphs, the factual allegations supporting her claim or claims against that defendant. Plaintiff should only include claims that arise out of the same transaction or occurrence, or simply put, claims that are related to each other. *See* Fed. R. Civ. P. 20(a)(2). Alternatively, plaintiff may choose a single defendant, and set forth as many claims as she has against him or her. *See* Fed. R. Civ. P. 18(a). Plaintiff's failure to make specific factual allegations against any defendant will result in that defendant's dismissal.

Due the pending motion to proceed in forma pauperis, plaintiff is advised the Court will review the amended complaint under 28 U.S.C. § 1915, and related authority. After careful consideration,

IT IS HEREBY ORDERED that, within **thirty (30) days** of the date of this Order, plaintiff shall file an amended complaint in accordance with the instructions set forth herein.

IT IS FURTHER ORDERED that the Clerk of Court shall mail to plaintiff a blank Employment Discrimination Complaint form.

IT IS FURTHER ORDERED that plaintiff's motion for continuance to submit motions [Doc. #21] is **DENIED without prejudice**, as plaintiff has not indicated what motions she needs an extension of time to submit.

If plaintiff fails to timely file an amended complaint in compliance with this Order, the Court will dismiss this action without prejudice and without further notice.

Dated this 27th day of March, 2020.



HENRY EDWARD AUTREY
UNITED STATES DISTRICT JUDGE